

STATE OF ALABAMA
IN THE CIRCUIT COURT FOR ETOWAH COUNTY
(Transferred from Calhoun County, Alabama)

SABRINA ABERNATHY, et al.,

Plaintiffs,

versus

CIVIL ACTION NO.

CV-2001-832

:(Consolidated)

MONSANTO COMPANY, et al.,

Defendants.

-----/

COPY

DEPOSITION OF DOUGLAS EUGENE RICH

The deposition of DOUGLAS EUGENE RICH was taken before Deborah Salers Garrett, Certified Shorthand Reporter, Registered Professional Reporter, as Commissioner, commencing at 11:30 a.m. on January 3, 2002, by the Plaintiffs, at the law offices of Fite & Miller, Suite 400, SouthTrust Bank Building, Anniston, Alabama, pursuant to the stipulations set forth herein.

Regional Reporting Service, Inc.
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A P P E A R A N C E S

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No exhibits were marked for identification,
offered or attached as exhibits hereto.

S T I P U L A T I O N S

IT IS STIPULATED AND AGREED by the parties, through their respective counsel, that the deposition of DOUGLAS EUGENE RICH may be taken before Deborah Salers Garrett, CSR, RPR, as Commissioner and Notary Public, Alabama at Large, at Anniston, Alabama, on January 3, 2002, at 11:30 a.m.

IT IS STIPULATED AND AGREED that the signature to and reading of the deposition by the witness is waived, the deposition to have the same force and effect as if full compliance were had with all laws and rules of Court relating to the taking of depositions.

IT IS STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions except as to form or leading questions and that counsel may make objections and assign grounds at the time of trial or at the time said deposition is offered in evidence or prior thereto.

IT IS STIPULATED AND AGREED that notice of filing by the Commissioner is waived.

1 STATE OF ALABAMA, ANNISTON, JANUARY 3, 2002

2
3 DOUGLAS EUGENE RICH,

4 after having been first duly sworn, was
5 examined and testified as follows:

6
7 EXAMINATION

8 BY MR. CUNNINGHAM:

9 Q. Sir, my name is Charlie Cunningham. I
10 represent a lot of folks in a lawsuit
11 filed against Monsanto Chemical
12 Corporation. I'm here to ask you some
13 questions today about factual
14 information you might have that will
15 help the parties understand the issues
16 in the case. Have you ever been
17 involved in a deposition before?

18 A. Yes.

19 Q. You understand the lady to your left is
20 going to take down what you say. And I
21 want to give you a couple of unusual
22 characteristics about me that you may
23 not have encountered in your previous

1 depositions just so you know about them.

2 First off, I have a bad habit of
3 asking you a question and you will give
4 me an answer, and before you have
5 finished, I will either think you have
6 finished and go on to something else or
7 I'll have this burst of genius and fire
8 off another question and you haven't had
9 a chance to finish you first answer. If
10 I do that, please understand we do want
11 to get a complete answer. Just let me
12 know I have done that.

13 Secondly I have a bad habit of
14 saying a question, and it sounds like I
15 know just exactly what I'm talking about
16 when I really don't have a clue. So if
17 I say something and it doesn't sound
18 right to you, that's what matters.
19 Okay? And you let me know that that
20 doesn't make sense or you think I've got
21 it wrong. Okay?

22 A. Okay.

23 Q. Okay. Before we get started, what other

1 depositions have you given before?

2 A. It was one in this type thing, about
3 PCBs.

4 Q. All right. There has been a lot of
5 litigation over this. Do you recall if
6 it might have been involving the
7 insurance coverage with Monsanto or
8 possibly what is called the Owens case,
9 which was in federal court, or the lake
10 cases as they are sometimes referred to,
11 Dyar v Monsanto?

12 A. I have no idea. I don't remember.

13 MR. MYERS: It was the Owens case.

14 Q. Well, then, this will be easy, because
15 they had intelligent lawyers taking
16 depositions in that one, and it is just
17 me on this one.

18 Let's start off with a real easy
19 one. Would you give us your full name,
20 please?

21 A. Douglas Eugene Rich.

22 Q. That's is R-i-c-h?

23 A. Right.

1 Q. Where do you live?

2 A. Do you want street address or just town?

3 Q. Both?

4 A. 101 Sabina, S-a-b-i-n-a, Drive,

5 Southeast, Jacksonville.

6 Q. And I'd like to go back in time to other

7 places you have lived. How long have

8 you lived on Sabina Drive?

9 A. I just moved there the first of October.

10 Q. Before that where did you reside?

11 A. The address?

12 Q. Just location.

13 A. I lived out of Jacksonville, about five

14 miles, the Pleasant Valley community.

15 Q. Okay. How long did you live in Pleasant

16 Valley?

17 A. Thirty years.

18 Q. Okay. And before that?

19 A. I lived in Oxford.

20 Q. Ever live in Munford?

21 A. No.

22 Q. I was on a real string with Munford

23 there for a while. Okay. And Oxford

1 isn't exactly a big town, but my sense
2 is there are neighborhoods. What part
3 of Oxford did you live in?

4 A. I lived at Coleman Road and Greenbrier
5 Road. It may be in Anniston now.

6 Q. How close was that to Snow Creek?

7 A. Well, it runs by the mall. Probably a
8 couple of miles.

9 Q. East or west?

10 A. East.

11 Q. Before that where did you live?

12 A. I lived in Pinson, Alabama, north of
13 Birmingham.

14 Q. Pinson?

15 A. P-i-n-s-o-n.

16 MR. MYERS: That's a new one.

17 Q. Is that where you grew up?

18 A. No.

19 Q. Where did you grow up?

20 A. Pell City.

21 Q. I've heard of that one. That's over
22 toward the lake?

23 A. Uh-huh (indicating yes).

1 Q. So what's the closest you have actually
2 lived to the plant itself?
3 A. Oxford.
4 Q. And that is a good four or five miles?
5 A. As a crow flies, yeah, four or five
6 miles.
7 Q. Mr. Rich, are you married?
8 A. Yes.
9 Q. What is your wife's name?
10 A. Fay.
11 Q. Maiden name?
12 A. Pugh.
13 Q. Have you ever been married to anyone
14 else?
15 A. No.
16 Q. Do you know if her PCB level has ever
17 been tested?
18 A. No.
19 Q. Do you have any children?
20 A. Yes.
21 Q. What are their names?
22 A. Brian, Robin, and Barry.
23 Q. Okay. And I'm assuming Brian and Barry

1 use Rich as a last name?

2 A. Uh-huh (indicating yes).

3 Q. Does Robin Rich --

4 A. No. Her last name is Mulloy,
5 M-u-l-l-o-y.

6 Q. Okay. Do you know if any of them have
7 had their PCB levels checked?

8 A. No.

9 Q. And all of them do okay in school?

10 A. Uh-huh (indicating yes).

11 MR. MYERS: You need to say yes so
12 she can take that down.

13 Q. If I were to ask you for a list of all
14 the adults, say above the age of
15 eighteen, residents of Etowah County who
16 are not convicted felons and could
17 therefore qualify as jurors in Etowah
18 County who are related to you by blood
19 or marriage, would that be a long list
20 or short list?

21 A. It would be short.

22 Q. Okay. Would you tell me those folks,
23 please?

1 A. Well, this is my son's ex-wife and her
2 people. They live in Etowah County.

3 Q. Is this Brian or Barry's ex-wife?

4 A. Brian.

5 Q. What is her name?

6 A. She has remarried. It is Barbara
7 Calvin, I guess, C-a-l-v-i-n.

8 Q. I don't guess we have to worry too much
9 that she would be biased for Monsanto
10 just by virtue of having once been
11 married to the son of a former Monsanto
12 worker.

13 A. I wouldn't think so.

14 Q. Do you have a grandchild by her?

15 A. Two. Well, let me back up. I have one
16 by her. My son remarried, and I have
17 one by his second wife.

18 Q. So you have some ongoing contact with
19 her?

20 A. Yes.

21 Q. I would like to find out who you have
22 spoken to anyone before today in kind of
23 getting ready to come in here. Aside

1 from talking to Mr. Myers, is there
2 anyone else you have talked to before
3 coming in today about what you were
4 going to talk about here?

5 A. No. Mike Kelly called me just to make
6 sure I was going to be here today. He
7 didn't know about the snow. He called
8 this morning. He also called and set it
9 up, when I would be here. But other
10 than him, no, sir.

11 Q. Had you talked to Mike Kelly before for
12 the purposes of determining you would be
13 a witness in the case?

14 A. No.

15 Q. Do you have any idea why you might have
16 been listed as a potential witness in
17 the case?

18 MR. MYERS: Object to the form.

19 You can answer.

20 A. Because I worked there, I suppose, in
21 that department.

22 Q. How many people do you think there are
23 still alive today that worked for some

1 period of time in the Aroclor department
2 out at that facility here in Anniston?

3 MR. MYERS: Object to the form.

4 That is awfully broad.

5 MR. CUNNINGHAM: I intended it to
6 be so.

7 MR. MYERS: If you know, tell him.

8 A. It would just be a guess.

9 Q. Let me put it to you simply. Do you
10 think that number, if we went back and
11 went through some records, assuming they
12 exist, and got in the phone book to see
13 who was still alive, there would be a
14 handful, dozens, hundreds?

15 A. It would be dozens.

16 Q. Did -- Aside from speaking with folks or
17 in your case not speaking with folks,
18 did you look at anything before coming
19 over today within the last few weeks --

20 A. No.

21 Q. -- trying to refresh your recollection?

22 A. No.

23 Q. Then I'm going to assume that everything

1 you tell us here today is just your own
2 independent recollection, and that is
3 fine. That is what we want. If when I
4 ask you something it triggers something
5 in your mind that you did look at
6 something or you read something and you
7 were told something and you are now
8 going to tell me that, that is great
9 too. I'd like that as well. Just let
10 me know that is where it came from so we
11 know.

12 Okay. I want to talk for a moment
13 about work you did other than at
14 Monsanto, gainful employment you have
15 had elsewhere before we get into what
16 you did at Monsanto.

17 A. Okay.

18 Q. And maybe even before that, why don't we
19 start with your education. That will
20 lead probably into your occupation. So
21 tell me about your educational history?

22 A. I finished high school at Pell City High
23 School. That is the only education. I

1 didn't go to college.

2 Q. Okay. Then what did you do when you
3 finished high school?

4 A. I drove a truck for a while here in
5 Anniston.

6 Q. Now, what kind of truck was this?

7 A. It was Anniston Max Sales. They are out
8 of business now. I would go around and
9 spot trailers at foundries and pick up a
10 full load and bring them back into the
11 yard. And the road drivers would carry
12 them out to Detroit or wherever they was
13 going. Mostly soil pipe.

14 Q. Okay. Now, when you say soil pipe, I
15 think of soil pipe as being basically
16 terra cotta clay pipe. But my sense is
17 that around here when you talk about
18 soil pipe they are talking about cast
19 iron and ductible pipe. What were you
20 hauling?

21 A. I can't answer that. I just picked up
22 the trailers. I don't now how it is
23 made. I don't have any idea how they

1 make it. They just call it soil pipe.

2 Q. You don't even know what color it was?

3 A. Oh, yeah. It was black.

4 Q. That helps us. So you wouldn't have any
5 clue what chemicals -- You have no idea
6 what chemicals might have been used in
7 that process?

8 A. No.

9 Q. What's the second job that you had?

10 A. I worked with my daddy-in-law drilling
11 wells, a well driller.

12 Q. For your father-in-law?

13 A. Uh-huh (indicating yes).

14 MR. MYERS: Yes?

15 THE WITNESS: Yes, yes.

16 Q. And you did that in this area, northeast
17 Alabama?

18 A. Yes.

19 Q. And there was water wells you were
20 drilling?

21 A. Yes, sir.

22 Q. And did you have some kind of a
23 motorized auger?

1 A. Yes, sir.

2 Q. How deep might you go?

3 A. It was the machine that drilled it.

4 Q. On the back of the truck?

5 A. Uh-huh (indicating yes), on a big truck.

6 Q. You used a drill stem and drill down

7 four or five feet and put another one

8 on?

9 A. No, sir. It was a cable type drill

10 then. They didn't have rotary then, a

11 cable drill.

12 Q. How did that work?

13 A. It was a large drill stem with a bit on

14 the bottom of it. It weighed probably

15 fifteen hundred, two thousand pounds,

16 with a cable. And this machine turned

17 this big wheel and made that -- I don't

18 know exactly how to explain it. But it

19 made it go up and down. And it would

20 just hit the bottom where you were

21 drilling. And when you picked it up, it

22 would turn a little bit and hit it

23 again. You kept pouring water in there,

1 of course, to make mud out of it. You
2 had to clean it out every once in a
3 while. And if you got down and hit a
4 little bit of water, then it usually
5 made its own water. And it just went on
6 down until you hit water.

7 Q. And did you do much drilling in Anniston
8 like that?

9 A. No, not any.

10 Q. Whereabouts were you doing that?

11 A. It was mostly in Shelby County, some in
12 St. Clair County.

13 Q. It strikes me that that kind of drilling
14 would be pretty difficult in dirt or
15 clay, if you had to go through a lot of
16 clay?

17 A. No. Sand was the hard part.

18 Q. Is that why you didn't do it over here,
19 too much sand over here around Anniston?

20 A. Well, he lived in Birmingham, Pinson.
21 Just his work was in that area, down
22 around that way. He used to be in
23 Anniston before he moved there, did a

1 lot around here. But when I met his
2 daughter and married her he was living
3 there.

4 Q. What's the next job you had?

5 A. Merita Bread Company as a route
6 salesman.

7 Q. Okay. I can't think of anything I need
8 to know about what you did as a route
9 salesman for Merita, so let's move on to
10 the next job you had.

11 A. Barber Dairies. I left there and went
12 to Barber Dairies as a milkman, and that
13 was in Birmingham.

14 Q. Let's get some idea of time frames.
15 When did you graduate from Pell City
16 High School?

17 A. 1957.

18 Q. Any military service?

19 A. No, sir.

20 Q. So by the time you were at Barber Dairy,
21 what year are we roughly?

22 A. '64.

23 Q. Okay. What did you do after Barber

1 Dairy?

2 A. Monsanto.

3 Q. How is your health, Mr. Rich?

4 A. How is it now?

5 Q. Yes.

6 A. It is fine.

7 Q. Have you had some particular health
8 problems in the past you have had to
9 care for, other than colds and flu and
10 that?

11 A. The only problem I've ever had that
12 showed up in a physical or anything, I
13 have high iron in my blood.

14 Q. Okay. And have the doctors who found
15 that talked to you and ascribed any
16 particular symptoms you are having to
17 this high iron?

18 A. No. I had no symptoms. They just
19 caught it through the company physical.

20 Q. Through the screening?

21 A. Yes. And they sent me to a specialist
22 here in Anniston. Dr. Toole or
23 something like that was his name. There

1 was nothing they could do about it, just
2 recommended giving blood as often as I
3 can.

4 Q. And do you give blood?

5 A. Yes, sir.

6 Q. Do you watch your dietary intake for
7 foods that are high in iron?

8 A. Yes, sir.

9 Q. And the only one I know of off the top
10 of my head is molasses, but I'm sure --
11 what other ones do you try to steer
12 clear of?

13 A. Liver is high. Some meat is high in
14 iron.

15 Q. Red meat in particular certainly?

16 A. Right, right, just that type stuff.

17 Q. Okay. Have you had a subsequent iron
18 test to see what your blood level is
19 these days?

20 A. Every year.

21 Q. Is it still testing high?

22 A. Yes, sir.

23 Q. Ever been diagnosed with any sort of

1 cancer?

2 A. No.

3 Q. Do you consume any alcoholic beverages?

4 A. No, sir.

5 Q. Smoke any tobacco products?

6 A. No, sir.

7 Q. Have you ever done either of those

8 things?

9 A. Yes, sir.

10 Q. Well, you weren't in the Navy. So we

11 can't blame it on the Navy.

12 A. No. I smoked for several years.

13 Q. When did you stop smoking?

14 A. 1969.

15 Q. Was there a particular reason that

16 caused you to stop in '69?

17 A. Yes.

18 Q. What was that?

19 A. Two of them. Cigarettes went to

20 thirty-five cents a pack.

21 Q. That's a good one.

22 A. Compared to today it is not. And my

23 mother gave me a little brochure she got

1 somewhere that showed the effects of
2 smoking on people's lungs, and it scared
3 me to death, the pictures they had in
4 there they took from autopsies and
5 things. And I quit.

6 Q. And I take it that is why she gave it to
7 you?

8 A. Yes, sir.

9 Q. She was trying to get your attention?

10 A. It worked.

11 Q. And you took that to heart?

12 A. Yes, sir.

13 Q. And you stopped smoking?

14 A. Yes, sir.

15 Q. Okay. Do you currently work for
16 Monsanto?

17 A. No, sir.

18 Q. You are retired? Did you retire from
19 Monsanto?

20 A. Well, Solutia.

21 Q. Okay.

22 A. Last June, June 1st.

23 Q. 6-1-01?

- 1 A. Right.
- 2 Q. Okay. I'm assuming you still receive
3 some financial benefits from Solutia.
- 4 A. Yes, sir.
- 5 Q. And I don't care to delve into your
6 personal finances, but would I be safe
7 in assuming it is a substantial portion
8 of your annual income that is in the
9 form of this pension?
- 10 A. I don't get a pension from them. I took
11 a lump sum. So my insurance and dental
12 is still coming through them, although I
13 pay for it. It comes through them.
- 14 Q. Let me put it differently. Is it a
15 subsidized premium, your health and
16 dental? Do you think they are picking
17 up part of the tab?
- 18 A. I think so, yes. I'm pretty sure.
- 19 Q. And then taking this lump sum that you
20 got from them when you retired in June,
21 the interest that you are deriving off
22 that, is that a substantial or
23 significant amount or fraction of the

1 money that you are living off these
2 days?

3 A. I'm getting the income from it. I
4 invested with Merrill Lynch. With the
5 stock market, I'm not making a whole lot
6 as far as interest and stuff.

7 Q. Were you ever a member of the
8 International Chemical Workers Union?

9 A. Yes, sir.

10 Q. Did you -- What years were you a member?

11 A. The whole time I worked at Solutia, so
12 that would be thirty-six years.

13 Q. We have you started in '64?

14 A. '65.

15 Q. '65, okay. Did you ever hold any
16 position was the national union?

17 A. No, sir.

18 Q. Ever hold any positions with the local?

19 A. No, sir.

20 Q. I assume you got annual physicals?

21 A. Yes, sir.

22 Q. Can you tell me what those consisted of?

23 A. It was complete blood work. The doctor

1 did a test on your lungs. We had chest
2 x-rays. Then he give us a general
3 physical, hearing test, eye test.

4 Q. Okay. And then I assume there was sort
5 of, in addition to the physical exam, a
6 general history or question session of
7 has anything changed in the last year,
8 how are you doing?

9 A. Right.

10 Q. And again, not to put words in your
11 mouth, but I have done a few of you guys
12 now. That was performed by the plant
13 nurse and to a certain extent the plant
14 doctor?

15 A. Yes, sir.

16 Q. And you may be the first one that was
17 actually told something, of the guys
18 I've deposed anyway. Is this annual
19 physical where you learned about the
20 high iron level in your blood?

21 A. Yes, sir.

22 Q. And when that was discovered they told
23 you about that and referred you to a

1 specialist?

2 A. Yes, sir.

3 Q. And as you told me, their recommendation
4 was to try to give blood and stay away
5 from high iron foods?

6 A. Yes.

7 Q. Do you recall roughly when that was
8 first learned?

9 A. Roughly eight years ago.

10 Q. Is it your sense that the level has
11 stayed about the same for the past eight
12 years?

13 A. Yes.

14 Q. Have you been back to the doctor, the
15 specialist, since that first visit?

16 A. No, sir.

17 Q. Did he pretty much leave you with the
18 sense that it wouldn't be necessary for
19 you to come back no matter what that
20 level went to?

21 A. Yes, sir. He just said the best thing
22 for my case is just to give blood. He
23 said I don't know a thing to do to

1 change this, no medicine or nothing you
2 can take to lower it.

3 Q. I think there is actually a therapy, but
4 it is pretty nasty. If you are not
5 symptomatic, you probably don't want it.
6 Did you pay anything for these
7 physicals?

8 A. No, sir.

9 Q. Do you -- Would you qualify to get one
10 now that you are retired?

11 A. Not through the company. Well, I guess
12 the insurance may pay. I don't know
13 about that.

14 Q. You haven't bothered to look into that?

15 A. No.

16 Q. And I'm guessing you still have friends
17 and acquaintances who still work there
18 since you just left there half a year
19 ago.

20 A. Yes.

21 Q. Do you get the newsletter?

22 A. The little company -- Bama Briefs, yes.

23 Q. Is that what it is called, Bama Briefs?

1 A. Uh-huh (indicating yes).

2 MR. MYERS: Yes?

3 THE WITNESS: Yes.

4 Q. Do you know who puts that together?

5 A. Suzanne Gardener.

6 Q. And how long do you think they have been
7 putting together the Bama Briefs and
8 sending it to the work force?

9 A. Probably twenty-five, thirty years,
10 maybe, since I have been out there. It
11 probably changed names over the course
12 of the years.

13 Q. And how often do you think it comes out?

14 A. Now I think it is quarterly.

15 Q. In the historic past was it something
16 different?

17 A. Years ago I think we got it once a
18 month.

19 Q. Do you remember -- Would you actually
20 read this thing?

21 A. Yes, sir.

22 Q. Do you ever remember anything in the
23 Bama Briefs where they talked about PCBs

1 being out in the community and what the
2 company's position was about that?

3 MR. MYERS: Object to the form.

4 You can answer.

5 A. No.

6 Q. Is it essentially a social thing,
7 talking about who went where, who has
8 had a kid, who died, who got married,
9 that kind of stuff?

10 A. Yes, sir.

11 Q. All right. Let's talk about the stuff
12 you did when you worked at Monsanto,
13 please, sir. Would you tell me the
14 first day you showed up, what was your
15 title.

16 A. Chemical operator.

17 Q. Okay. And that is 1965?

18 A. Right.

19 Q. Okay. And where did you operate?

20 A. Niran.

21 Q. Okay. And what were your duties as an
22 operator in the Niran department?

23 A. I was a drummer. I put the product in a

1 fifty-five-gallon drum.

2 Q. Now, were you actually exposed to the
3 Niran in that process, or were you
4 putting a hose or something in there and
5 sealing that off --

6 A. It was a lance that went down in a drum.
7 It was on a scale. You filled it up. I
8 don't remember the pounds you put in it
9 then. But when it got up there, it
10 would cut off. And you would just lift
11 it up and put a bong in it and put
12 another drum, just over and over.

13 Q. Not the most exciting job?

14 A. No, sir.

15 Q. And as a drummer of Niran, I assume you
16 wore some protective equipment?

17 A. Yes, sir.

18 Q. Gloves?

19 A. Yes, face shield.

20 Q. Anything to protect respiratory-wise,
21 like a mask?

22 A. No, sir.

23 Q. Was there ventilation present where you

1 were drumming?

2 A. There is a hood, the best I remember,
3 now, over the drumming machine that
4 pulled.

5 Q. And how long did you continue as an
6 operator in the Niran department?

7 A. Not long. That was in June, and I got
8 laid off in October.

9 Q. All right, sir. Is there -- I know they
10 sometimes called Niran cotton poison.
11 Its principal use was to spray cotton
12 crops. Was there a season to the Niran
13 production because of that?

14 A. They made two grades of it. They made
15 one for winter and one for summer. I
16 don't know that there was any difference
17 in the -- One was methyl and one was
18 ethyl. One wouldn't freeze in the
19 wintertime. There was something they
20 put in it. I wasn't in that end of the
21 production. I don't know how it worked.

22 Q. But when you got laid off, it wasn't
23 because you were spilling a lot of Niran

1 on the floor. It was just that they
2 didn't need you any more?

3 A. That's right.

4 Q. What's the next thing -- What did you do
5 when you got laid off?

6 A. I went to work at Anniston Foundry --
7 Let's see, that was October -- until
8 December, around December 20th.

9 Q. And got hired back on?

10 A. No, sir.

11 Q. What happened at Anniston Foundry then?

12 A. I got on at Anniston Army Depot.

13 Q. So for only about two months were you
14 working at Anniston Foundry?

15 A. Right.

16 Q. What did you do there?

17 A. I loaded trucks out on the yard, labor.

18 Q. Where is Anniston Foundry?

19 A. It is just west of the plant.

20 Q. Okay. Is it called something else now?

21 A. Huron.

22 Q. Metals?

23 A. Huron Metals. I think that is what it

1 is called now. I think that is what it
2 is.

3 Q. In the couple of months that you worked
4 at Anniston Foundry, did you ever know
5 them to use any PCB or Aroclor
6 containing materials?

7 A. No, sir.

8 Q. Okay. So then you went to Anniston Army
9 Depot?

10 A. Uh-huh (indicating yes).

11 MR. MYERS: Yes?

12 THE WITNESS: Yes. Thank you.

13 MR. MYERS: You're welcome.

14 Q. What did you do at ANAD?

15 A. I worked on the production line, M-48
16 tanks.

17 Q. Did you have a particular task, or would
18 you rotate around?

19 A. Same task. I had three of them. I
20 installed a primer pump, put the
21 batteries in them, and gassed them up.

22 Q. You were one of the last guys or maybe
23 the last guy on the line?

1 A. Well, it was a portable gas thing. I
2 just put enough in so that when it came
3 off the end they could crank it and get
4 it around to the fuel pumps. I put
5 fifty gallons in it.

6 Q. Which I guess for an M-48 might let you
7 get about half a mile down the road?

8 A. Not long.

9 Q. Those are the big ones. Did you work
10 around PCBs at all as far as you knew
11 when you were at the depot?

12 A. No.

13 Q. How long did that job last?

14 A. Until February of '66, when I was called
15 back to Monsanto.

16 Q. Okay. And you spent the rest of your
17 work career at Monsanto?

18 A. Yes, sir.

19 Q. All right. I can leave that page
20 behind. When you came back to Monsanto,
21 what was the job you came back to?

22 A. I went to work in the Aroclor
23 department.

1 Q. Your title was just operator?

2 A. Operator, yes, sir.

3 Q. That was in February of '66. And I

4 assume this was a better paying job?

5 Why would you leave the depot and come

6 to work --

7 A. Better paying job.

8 Q. Okay. Tell me what you did as an

9 operator in the Aroclor department?

10 A. Well, I operated all the jobs there over

11 the course until they shut it down.

12 Q. Okay. And I understand there were

13 several.

14 A. Right. They had what they called the

15 chlorinator job, chlorinated the

16 biphenyl. They had a muriatic acid

17 plant, which they took the byproduct off

18 the chlorinator and made hydrochloric

19 acid.

20 Q. Diluted hydrochloric, which would make

21 muriatic?

22 A. Right. They had a distillation, or the

23 still, we called it. We kind of

1 rotated, worked all the jobs. They
2 trained you on all of them.

3 Q. And let me talk to you a little bit
4 about those. I assume there was a waste
5 stream generated through the
6 chlorinator, or not through it, but you
7 would generated waste as part of that
8 process?

9 A. No, sir.

10 Q. So you didn't have a still bottom?

11 A. Now, on the still we did. On the
12 chlorinator, no. You said chlorinator.

13 Q. I thought I had understood earlier from
14 someone that the chlorinator, you had
15 some gunk at the bottom of that from
16 time to time too. But you are saying
17 that would all come out and go
18 straight --

19 A. To the still.

20 Q. Where did the muriatic acid come?
21 Explain the process to us.

22 A. The chlorine gas going through the
23 chlorinators, it had, you know, a

1 byproduct coming off it, HCl gas.

2 Q. So you are basically substituting
3 chlorine molecules for hydrogen
4 molecules on the biphenyl?

5 A. I suppose. I don't know.

6 Q. You don't know?

7 A. It changed it anyhow.

8 Q. And the byproduct would be HCl?

9 A. Right. And it was -- went up to the
10 hydrochloric acid plant. And we would
11 mix it with water to make ever what
12 grade we wanted. It run through carbon
13 filters and all this type stuff. And we
14 put it in storage tanks.

15 Q. What were the carbon filters screening
16 out of there, if you know?

17 A. I don't really know. It run through a
18 final filter, filter that had a sock in
19 it, which got some carbon out that got
20 in the product, you know. But I don't
21 know.

22 Q. Do you know what they sold the muriatic
23 acid for?

1 A. Most of it went to the steel mills.

2 They washed steel with it.

3 Q. Pickle steel?

4 A. Yes.

5 Q. Do you ever remember hearing about them
6 selling some of that to food processors?

7 A. They had a water white grade of it. We
8 made a food grade of the acid. Most of
9 them went in tank cars. The railroad
10 pulled them out. Now, where they went,
11 I don't know.

12 Q. I thought that might have been -- When
13 you said you filtered with carbon, I
14 thought that might be a further process
15 to get it food grade.

16 A. I don't know. My memory is not real
17 plain on that part of it, now. It has
18 been thirty-something years ago. I
19 think all of it went through the carbon
20 towers.

21 Q. Did you ever hear about them having to
22 stop selling it for food use because of
23 the presence of small quantities of PCB

1 in it?

2 MR. MYERS: Object to the form.

3 A. No.

4 Q. Okay. Moving on then to the
5 distillation part with the still, that
6 is where you would have a still bottom?

7 A. Uh-huh (indicating yes).

8 MR. MYERS: Yes?

9 THE WITNESS: Yes.

10 Q. And what would be done with that
11 material?

12 A. The liquid would be drummed out into
13 fifty-five-gallon drums. And I'm trying
14 to think of what we did with it. We had
15 a labor department. It went down big
16 rollers. Some of it would set up solid.
17 It is according to what grade we made.
18 It would be solid, and they would crush
19 it. I don't really remember what they
20 done with it. But we put it in them
21 drums. I don't remember right off what
22 they did with them. It kind of went
23 into another department there.

1 Q. Okay. What was the next job you had
2 after you were an operator in the
3 Aroclor department?

4 A. Went to the biphenyl department.

5 Q. Still as an operator?

6 A. Yes, sir.

7 Q. And do you recall when that happened?

8 A. In '72. That is when they shut Aroclor
9 down.

10 Q. So you were an operator in Aroclor until
11 the Aroclor department ceased to exist?

12 A. Yeah. I run the last batch through
13 there, my and Joe Webb.

14 Q. Okay. And the next day you became a
15 biphenyl operator?

16 A. (Witness nods head affirmatively.)

17 MR. MYERS: Yes?

18 THE WITNESS: Yes.

19 Q. And what were your responsibilities as a
20 biphenyl operator?

21 A. You mean what job did I have?

22 Q. Yeah. What did you do?

23 A. I started out running a tube unit.

1 Q. And that is what made the biphenyl from
2 the benzine?

3 A. Yes, sir. That was the starting point
4 of it.

5 Q. Anything else that you would end up
6 doing?

7 A. Well, I run that job. It would go
8 through a distillation column after it
9 came out of the tube. I run that job.
10 We called it the stills. Also we had an
11 HB-40 plant that was in that department,
12 and I run it. Those two departments,
13 everybody rotated on the job. They
14 trained you on all of them, just kind of
15 rotated around.

16 Q. One guy called it cross-training. The
17 goal was to maximize flexibility by
18 giving you maximum knowledge.

19 A. Right.

20 Q. And what did you do after you -- What's
21 the next job you held?

22 A. Went to electrician, shift electrician.

23 Q. And that would have been when?

1 A. 1979.

2 Q. And was that a plant-wide position?

3 A. Yes, sir.

4 Q. And why would you want to go from being
5 an operator to being a shift
6 electrician?

7 A. Well, one, I wanted to learn a trade.
8 They train you to be an electrician.
9 And it paid a little more money.

10 Q. Okay. And what did you do as a shift
11 electrician?

12 A. Worked on all the electrical stuff in
13 the plant.

14 Q. And I'm thinking there was a lot of
15 that?

16 A. Sometimes I didn't eat my lunch. It was
17 still on the table when I went home.
18 They had big panel boards in the
19 departments. All the process was
20 monitored with flow meters and all.
21 Motors would quit, burn up. You would
22 change motors out, that type stuff,
23 anything to do with electricity,

1 electrical.

2 Q. I worked on the railroad one time. And
3 the guys who really set the pace were
4 the mechanics because if something broke
5 down and they took their time, things
6 didn't go anywhere. But if they hustled
7 up, we kept moving. I'm guessing it is
8 kind of like that for the shift
9 electrician.

10 A. Yes. He could shut the whole department
11 down. And some department would feed
12 another department. So yes, sir. You
13 worked on it right then.

14 Q. That is why lunch got cold?

15 A. Right.

16 Q. How long did you stay as shift
17 electrician?

18 A. Three years.

19 Q. Okay. So in '82 you shifted to what?

20 A. Went into the painter and insulator
21 group.

22 Q. Okay. And was this a plant-wide --

23 A. Yes, sir.

1 Q. And why did you choose to make that
2 switch?

3 A. To get off shift work. Electricians,
4 you rotated every two weeks on first,
5 second, and midnights, worked weekends.
6 And that was a straight Monday through
7 Friday day job at the same pay.

8 Q. Need electricians all the time, but we
9 can just paint during the day and that
10 is fine?

11 A. Right.

12 Q. And painting I can pretty much
13 understand or I think I know what you
14 were doing as a painter. Tell me if
15 there was something unusual about it.

16 A. No. It's like your house. You chip and
17 prime and paint.

18 Q. Insulating, that is perhaps not simple.
19 I'm guessing you had more than one kind
20 of insulating material.

21 A. Yes, sir.

22 Q. What kind of materials would you use?

23 A. Fiberglas, most of it, pipe insulation

1 and stuff.

2 Q. Did they jacket a lot of that with metal
3 around that to protect the insulation
4 itself?

5 A. Yes, sir, to keep it from getting wet.

6 Q. Would you do that?

7 A. Yes.

8 Q. Other than Fiberglas what other types of
9 insulating materials would you use?

10 A. On hot surfaces like furnaces and
11 things, they had a chalky-looking type
12 of insulation, and I can't remember what
13 they called it. But it would stand real
14 high temperature. Fiberglas wouldn't.
15 We insulated them with that.

16 Q. Was it a type of ceramic?

17 A. No. It was -- It wasn't ceramic. It
18 was -- I can't remember what it was made
19 out of. You cut it kind of with a
20 hacksaw or handsaw. It was pretty
21 thick, kind of like sheetrock only
22 thicker.

23 Q. Did you ever use any asbestos in the era

1 you were an insulator?

2 A. No, sir.

3 Q. Did you ever remove asbestos?

4 A. No, sir.

5 Q. Did they never use asbestos at the plant

6 as far as you know?

7 A. There were some departments, older

8 departments, that had asbestos in them.

9 They had a company come in there and

10 remove it.

11 Q. You never had to be around it?

12 A. No, sir.

13 Q. What's the next job you had at the

14 plant?

15 A. Let's see. I left there and went to the

16 P2S5 department.

17 Q. As an operator?

18 A. Yes, sir, chief operator.

19 Q. So that was a promotion in pay I

20 presume?

21 A. Right.

22 Q. But you are back to shift work?

23 A. Right.

1 Q. And there you were looking over a group
2 of operators at your particular shift,
3 and I presume, as with these other
4 departments, there were multiple tasks
5 that had to go on to make this P2S5?

6 A. Right.

7 Q. And you were familiar with all of them?

8 A. Yes, sir.

9 Q. What's the next job you held? And let
10 me get the dates. When did you start at
11 P2S5?

12 A. See, I was painter and insulator until
13 1985.

14 Q. Okay.

15 A. Then I went to P2S5 and was there until
16 -- I believe it was 1990. I'm not
17 positive about that.

18 Q. What did you do in 1990?

19 A. Went back to the biphenyl department.

20 Q. As a chief operator?

21 A. No, sir, just an operator.

22 Q. And why did you make that move?

23 A. They shut down the Niran department.

1 The P2S5 department went out of that
2 business, had a big layoff. So I had to
3 just go where my seniority carried me.
4 Q. People got to bid in based on seniority?
5 A. Yes.
6 Q. And the best thing open at that point
7 was --
8 A. Back in biphenyl.
9 Q. Okay. And again, your duties and
10 responsibilities were the same as they
11 were before?
12 A. Yes, sir, same jobs and everything.
13 Q. And what's the next job you held?
14 A. Went to the PNP department.
15 Q. Operator?
16 A. Yes, sir.
17 Q. When do you think that happened?
18 A. I believe it was '94.
19 Q. Okay. It is not real critical.
20 Thereabouts?
21 A. Yes. I was operator there too.
22 Q. Why did you shift from being an operator
23 in biphenyl to PNP?

1 A. Just a better operating department. The
2 job was better, I thought.

3 Q. What made you think that was a better
4 job?

5 A. Just the process they went through, the
6 way it run. Now, over there we didn't
7 rotate jobs, in PNP. There wasn't but
8 two jobs there.

9 Q. Better could be better in terms of
10 comfort, better in terms of the people
11 you were with, better in terms of your
12 health. What is it --

13 A. The work. The work was better, easier.
14 I wouldn't -- You know, a little
15 cleaner.

16 Q. Well, that makes sense, easier and
17 cleaner. I haven't talked to anybody
18 about the PNP department. What would
19 you actually do in the PNP department as
20 an operator? What were the two jobs as
21 an operator?

22 A. They had a reactor operator on the
23 reactors and then one that run the waste

1 treatment.

2 Q. Let me take those one at a time. What
3 do you understand happened in the
4 reactor? What were the feed stocks, and
5 what were you doing to end up with PNP?

6 A. They pumped in a -- this is like a soup.
7 It had sulfuric -- No. We had sulfuric
8 acid. It had PNCB put in the reactor.
9 They put in water and caustic.

10 Q. Sodium hydroxide?

11 A. And started it agitating, and it formed
12 the reaction. And we run it until -- on
13 a ninety-minute cycle. And then we
14 pumped it out into a receiver and added
15 sulfuric acid to it. And it changed it
16 from sodium PNP to a finished PNP. It
17 went through a chain reaction. And from
18 there it run over a belt filter, which
19 washed it with spray nozzles and took
20 most of the moisture out of it. It went
21 in a tank where more -- It was melted
22 back up. It went to a solid when that
23 water hit it. Then it went back in the

1 melt tank and was melted up. Then we
2 added water to it for a certain amount
3 of moisture they wanted in it. And then
4 went to a storage tank.

5 Q. Now, what about the waste treatment in
6 the PNP department?

7 A. It was the waste treatment facility for
8 the whole plant. Everything in the
9 plant was treated in there.

10 Q. In other words, those two big, long,
11 steel tanks, open top?

12 A. Right, basins, we call them.

13 Q. And you see some yellow stuff pouring
14 into it from time to time?

15 A. Right. That is coming from PNP
16 department. It also feeds the -- it has
17 a little micro-organism in there. They
18 have to have that to live on.

19 Q. And they eat the big molecules that we
20 don't want in the environment and turn
21 it into safer little molecules?

22 A. They eat it. They love it.

23 Q. So you actually spent some time

1 operating that basin?

2 A. Yes, sir.

3 Q. And your job was to make sure you had a
4 correct balance between enough food for
5 the microbes without overwhelming them,
6 but at the same time you didn't want to
7 starve them to death?

8 A. Right.

9 Q. What's the next job you had at Monsanto?

10 A. This is my last one. I went to shipping
11 department.

12 Q. Okay. And what was the reason for that
13 change in position?

14 A. In the PNP department I was on shift
15 work, and this is a straight day job
16 Monday through Friday. So I went to it
17 on account of the hours.

18 Q. And when do you think you started that
19 position?

20 A. In 1996.

21 Q. That was a plant-wide position,
22 shipping?

23 A. No, not really.

1 Q. Okay.

2 A. We had a shipping department, a big
3 warehouse where we loaded trucks. Some
4 of the docks was all over the plant,
5 loaded tanker trucks. But that was what
6 they called loader and unloader inside
7 the shipping department. They did that
8 type work. I did that a little while.

9 Q. But basically it is not like there was a
10 shipping department for PNP and a
11 shipping department for HB-40? There
12 was one shipping department for the
13 whole plant?

14 A. Right.

15 Q. Going back for a moment to your days as
16 an Aroclor operator from '66 through '72
17 and when you made the last batch of
18 Aroclor that got made down here, was
19 there ever an expansion of the capacity
20 of the plant to make various types of
21 Aroclor?

22 A. Yes, sir.

23 Q. Tell me about those.

1 A. I think it was around 1968. They added
2 some bigger chlorinators and stills and
3 also put in a tank farm, which I think
4 it was eleven or twelve big storage
5 tanks, to hold the different products we
6 made.

7 Q. All right.

8 A. And that was the only expansion they did
9 while I worked there the six years.

10 Q. Okay. Thank you. In your years working
11 as an operator, did you actually
12 physically come in contact with Aroclor?

13 A. Yes, sir.

14 Q. Tell me how that came about.

15 A. Well, we had filters we cleaned. After
16 the --

17 Q. What were they -- I'm sorry.

18 A. After the Aroclor come out of the
19 stills, it went in the receiver,
20 agitated them. There was a product like
21 ground up clay, real dry and hot. We
22 put it in it. It filtered it, and then
23 it went in the storage tanks. And those

1 filters, you'd get two or three batches
2 of stuff, and you'd have to stop and
3 clean them out.

4 Q. Scrape that earth --

5 A. Right. There were plates in there with
6 paper-like, cardboard paper. You'd have
7 to take them out and get that earth and
8 put it in a drum.

9 Q. And what happened to the drum of PCB
10 contaminated earth?

11 MR. MYERS: Object to the form.

12 Q. There would be PCBs soaked into that
13 earth, I presume.

14 A. Probably.

15 Q. I mean --

16 A. Yeah, right.

17 Q. So what happened to it after you put it
18 in the drum?

19 A. After the drum got full, we put a top on
20 it. It was an open-top drum. We'd put
21 a drum top on it, put it on the elevator
22 and carry it downstairs. I guess they
23 hauled it to the landfill. I don't know

1 exactly where it went.

2 Q. Did you keep that under a hood until it

3 cooled?

4 A. You mean the filter?

5 Q. No. The drum. You scrape that stuff

6 into a drum. : Where was that drum

7 sitting while it cooled?

8 A. Well, it cooled. We had to let it cool

9 down before we could clean it. It would

10 be hot. We'd just open it up and let it

11 cool down.

12 Q. When you say you would open it up, where

13 was this filter? Was this outside the

14 building or inside the building?

15 A. It was inside, on the second floor.

16 Q. Would that not generate some fumes when

17 you opened it up to let it cool off?

18 A. Some, yes.

19 Q. But you had ventilation inside the

20 building?

21 A. Not a hood or nothing over it. No, sir.

22 Q. But there was some ventilation in the

23 structure generally?

1 A. Right.

2 Q. Now, I'm assuming you didn't take your
3 bare hands and scrape this earth into
4 the drums.

5 A. No. We had gloves, rubber gloves.

6 Q. What other kinds of operations led you
7 to have physical contact with PCBs or
8 Aroclor or Montars?

9 A. When I'm saying physical -- you are
10 saying physical, do you mean getting it
11 on you or something?

12 Q. Yeah. That is a good example. And I'm
13 trying to find out to what extent it
14 would physically get on you. So I
15 appreciate you telling me about cleaning
16 those filters. That is something I
17 hadn't heard before. So tell me what
18 other occasions you would have -- and
19 there you would be breathing some of it
20 I guess. Tell me about other occasions
21 when you as an operator might have more
22 exposure to it than somebody else would
23 have.

1 A. Sampling the storage tanks, you could
2 possibly get some on you. The process
3 for the receiver pump, we sampled it to
4 make sure the resistivity was high on
5 it. You know, you could get it on you
6 there.

7 Q. Were you drawing a sample and carrying
8 it to the lab and they put a meter on
9 it?

10 A. Yes, sir. They run a resistivity test
11 on it. It had to be so high before it
12 was shipped.

13 Q. And was it hot when you would draw it
14 off for that kind of sampling?

15 A. Off the batch receiver it was. The
16 storage tank, no.

17 Q. It would be ambient there?

18 A. Yes.

19 Q. So you weren't going to -- You would try
20 real hard not to get it on you when it
21 came off that receiver?

22 A. Oh, yes, sir. It would burn you.

23 Q. And you would try to be careful when you

1 would sample it out of the tanks too?

2 A. Yes, sir.

3 Q. Any other occasions when you might have
4 had an unusual exposure to Aroclor, more
5 than anybody walking around the plant?

6 A. Like I said, other than drawing bottoms,
7 it came out in a fifty-five-gallon drum.
8 Of course it was real hot, extremely
9 hot. But you know, it could splash,
10 splash on you.

11 Q. Now, when you would draw those bottoms,
12 was there a hood over that?

13 A. Yes, sir.

14 Q. And that was vented outside?

15 A. Yes, sir.

16 Q. Okay. Let's talk about your personal
17 protective equipment. Again, I want to
18 narrow this to the era when you were an
19 operator in Aroclor. You mentioned
20 gloves.

21 A. Uh-huh (indicating yes).

22 Q. I assume you had coveralls, basically a
23 suit of clothing you were provided by

1 the facility?

2 A. Yeah. They provided clothes and coats
3 and stuff. We had hard hats, safety
4 glasses, face shields.

5 Q. Hearing protection?

6 A. Yes, sir.

7 Q. Work shoes?

8 A. Yes, sir.

9 Q. I mean, in a sense you were covered head
10 to toe?

11 A. Right.

12 Q. If you decided one day it was too hot
13 and you didn't feel like wearing gloves
14 or coveralls, there was somebody in the
15 chain of command who would come by and
16 inform you that that wasn't really an
17 option?

18 A. Well, we didn't necessarily insist we
19 wear them. Most of us just wore regular
20 work suits, pants and shirt. As far as
21 being hot, you know, we didn't pull our
22 shirts off or anything.

23 Q. You normally wore your protective

1 equipment?

2 A. Right. You had to have your hard hat,
3 safety glasses and all that on when you
4 went out the control room.

5 Q. And ventilation was present in the
6 building generally, you told us.

7 A. Yes.

8 Q. And you had hoods over some of the
9 fumiest, if that's a word.

10 A. The hottest, yes.

11 Q. And as I understand it, this clothing
12 was provided by the plant, and you would
13 change out of it before you went home.

14 A. Yes, sir.

15 Q. They had facilities for you to clean up?

16 A. Yes, sir.

17 Q. You couldn't eat or smoke around it.

18 A. No, no, not outside.

19 Q. What information were you provided as an
20 Aroclor operator about the toxicity of
21 the materials you were working with?

22 MR. MILES: Object to the form.

23 A. None.

1 Q. Let me read you an old Monsanto document
2 and see if any of this is anything you
3 knew. Experimental work in animals
4 shows that prolonged exposure to Aroclor
5 vapors evolved at high temperatures or
6 by repeated oral ingestion will lead to
7 systemic toxic effects. Repeated bodily
8 contact with the liquid Aroclors may
9 lead to an acne-form skin eruption.

10 Is any of that stuff you were
11 told?

12 A. Not that I remember.

13 Q. It goes on to say suitable draft
14 ventilation to control the vapors
15 evolved at elevated temperatures as well
16 as protection by suitable garments from
17 extensive bodily contact with the liquid
18 Aroclors should prevent any untoward
19 effect.

20 I take it that was all in place
21 while you were there?

22 A. Yes, sir.

23 Q. Have you subsequently learned that PCBs,

1 at least in the minds of some
2 scientists, can cause skin problems for
3 humans?

4 MR. MYERS: Object to the form.

5 A. Yes.

6 Q. Have you subsequently learned, again, in
7 the minds of some scientists, some
8 certain levels of PCBs can cause or
9 contribute to liver problems in humans?

10 MR. MYERS: Same objection. Go
11 ahead.

12 A. I haven't heard about liver, no. I
13 didn't know about that.

14 Q. Kidney?

15 MR. MYERS: Same objection.

16 A. No.

17 Q. Cancer?

18 A. Yes.

19 Q. Thyroid problems?

20 MR. MYERS: Same objection.

21 A. No.

22 Q. Ever heard that PCBs in women who are
23 carrying fetuses can creat problems for

1 the child?

2 A. Yes.

3 MR. MYERS: Same objection.

4 Q. Where do you recall hearing about these
5 particular -- There are three things you
6 had heard about, the skin, cancer,
7 developmental. Where do you recall
8 hearing about that?

9 A. In the paper.

10 Q. What papers do you take?

11 A. The Anniston Star.

12 Q. I've been asking folks about the
13 condition of the drainage ditches
14 leaving from the plant, and some of them
15 have seen them, and some of them
16 haven't. If I wanted to talk to you
17 about that, do you have any personal
18 knowledge of what they looked like?

19 A. What do you mean, what they looked like?

20 Q. The condition of them.

21 MR. MYERS: When?

22 MR. CUNNINGHAM: In sometime prior
23 to 1972?

1 A. No, sir.

2 Q. What about the condition of Snow Creek
3 or Choccolocco Creek back when y'all
4 were making Aroclor? Do you have any
5 personal knowledge of what kind of
6 condition they were in?

7 A. No, sir.

8 Q. Have you ever fished in Choccolocco
9 Creek?

10 A. No, sir.

11 Q. Do you fish?

12 A. Yes, sir.

13 Q. Where do you like to go fishing?

14 A. Go to Lake Guntersville, talking about
15 recently. And I had a houseboat on
16 Logan Martin for several years.

17 Q. So you did fish in Lake Logan Martin?

18 A. Uh-huh (indicating yes), and swam.

19 Q. Do you still fish in Lake Logan Martin?

20 A. Occasionally, yes, sir.

21 Q. Do you consume the fish that you catch?

22 A. I could catch them, I would, yes, sir.

23 Q. Are you aware of the fish advisory out

1 there?

2 A. Yes.

3 Q. But despite that you would still eat

4 fish you could catch?

5 A. Yes.

6 Q. To your knowledge, did you ever

7 participate in a study or investigation

8 of the health status of the work force

9 in Anniston aside from going to these

10 annual physicals?

11 A. No, sir.

12 Q. Did you ever hear about or know anything

13 about a study of the causes of death of

14 workers at Krummrich plant who worked

15 around Aroclor?

16 MR. MYERS: Object to the form.

17 A. No, sir.

18 Q. Ever hear about a study of workers here

19 at Anniston who may have worked around

20 Aroclors as far as causes of death?

21 A. Yes.

22 Q. Okay. When do you recall hearing about

23 that?

1 A. It would be a guess. Seven or eight
2 years ago.

3 Q. And how do you recall that coming --
4 what formats did that take, some person
5 telling you?

6 A. Yes.

7 Q. Do you remember who?

8 A. He was out of St. Louis, Kaley or --

9 Q. Kaley?

10 A. He came down, and we had a series of
11 plant-wide meetings. He went over what
12 they had learned about workers that
13 worked here in Anniston.

14 Q. What is your recollection of what we
15 told you about the health or mortality
16 of workers in Anniston?

17 A. He told us that as far as cancer and
18 things likes that, the workers had a
19 lower rate of cancer than the general
20 population.

21 Q. Okay. Have you ever visited the Aroclor
22 facility in Sauget, Illinois, at the
23 Krummrich plant?

1 A. No, sir.

2 Q. So if I wanted to talk about the

3 differences in how they did things, you

4 wouldn't know?

5 A. I'd have no idea.

6 Q. Have you ever had your serum PCB level

7 checked?

8 A. Yes, sir.

9 Q. Do you recall what it was?

10 A. It was in the forties. I think it was

11 forty-seven parts per million.

12 Q. Only had it done once?

13 A. Yes.

14 Q. I'm assuming you never had your fat

15 tested.

16 A. No. Just blood.

17 Q. You would have remembered it if you had.

18 A. I don't know what that involves, but, no

19 sir.

20 Q. Who took your blood for that test and

21 analyzed it, if you know?

22 A. I don't know. I believe it was the

23 company nurse.

1 Q. Okay. And do you recall when that was
2 done?

3 A. Seven or eight years ago. I'm not real
4 sure about the year.

5 Q. And why was that done?

6 A. I think it was brought up in a safety
7 meeting or something. Somebody asked if
8 any of the workers had ever been tested,
9 and they said, well, they weren't sure
10 or something. I don't know what the
11 answer was. But anyway, they said
12 anybody that wanted to be tested to let
13 them know and they would. So everybody
14 that worked in the Aroclor department,
15 as far as I know, we all had our blood
16 checked.

17 Q. Was that voluntary as far as you know?

18 A. Yes.

19 Q. But you decided you would like to know?

20 A. Yes, sir.

21 Q. And was there some follow up to that?
22 Did they just hand you a piece of paper
23 and say here is your level?

1 A. We was notified. It was written out.

2 Q. Was it after that time that Mr. Kaley

3 came down and talked to y'all or before?

4 A. That was before. Mr. Kaley came before.

5 Q. So subsequent to Mr. Kaley. Now, I had

6 seen something typed up that was like a

7 question and answer session there at the

8 facility. And I don't know if you

9 participated in that or not. Do you

10 remember some people coming down from

11 St. Louis and talking to y'all about the

12 significance of those blood levels?

13 A. Other than him, the guy, Mr. Kaley that

14 I talked to, I don't know. Now, that

15 was a question and answer period.

16 Q. I don't see your name on here. Now, I

17 do see a Webb. He was the guy that

18 closed down Aroclor with you, right?

19 A. Yes. As best I remember, me and Joe was

20 on that last batch that went through.

21 Q. The other names of the people were --

22 There was a Womack?

23 A. Melvin Womack.

1 Q. What was the first name?
2 A. Melvin.
3 Q. Then Robertson?
4 A. Norris.
5 Q. Is that another Aroclor operator?
6 A. Uh-huh (indicating yes).
7 MR. MYERS: Yes?
8 THE WITNESS: Yes.
9 Q. Patty, P-a-t-t-y?
10 A. Bob Patty. I don't remember him ever
11 working in there. He worked in the
12 biphenyl department.
13 Q. Okay. He may have got it checked just
14 the same. Cambron?
15 A. Bill, yes.
16 Q. Hopper?
17 A. Jerry Hopper, yes. He was a lab
18 technician.
19 Q. And Chapman with a P, C-h-a-p-m-a-n?
20 A. Jack.
21 Q. And Nixon, N-i-x-o-n.
22 A. Him and his father both worked there,
23 Terry and Amos. I don't know who that

1 is referring to.

2 Q. But you don't remember being in a
3 question and answer session on -- I can
4 give you the precise date -- August 1st,
5 1996, where all of that got discussed?

6 A. Oh, nothing that recently?

7 Q. Would you have gone if you had been
8 invited?

9 A. Well, if they had served lunch, I
10 probably would have.

11 Q. I'm going to try to figure out here if
12 you will give me a second -- They shared
13 with us the data on the workers' serum
14 levels, but they didn't give us your
15 names to protect your privacy. It is by
16 number. I'm looking at results that
17 were in the forties. There weren't a
18 lot. There was a forty-nine. This was
19 a guy who was age fifty-seven in
20 ninety-six. How old are you?

21 A. I'm sixty-three.

22 Q. So you would have been fifty-seven or
23 fifty-eight in 1996. That could have

1 been you. Then I have a forty-eight --
2 No, that's too old. Let's look at 1003
3 and see if this is you.
4 A. Is that the clock number or something?
5 Q. No, just a random number assigned to
6 this. It is nothing. See if that looks
7 like a questionnaire you might have
8 completed as part of that process.
9 A. No, way to tall for me, five foot
10 eleven.
11 Q. Okay. I've just noticed that number
12 1004 is also somebody about your age.
13 Let me take that one back and try you on
14 this one.
15 A. Well, it could be.
16 Q. Do you remember filling something like
17 that out?
18 A. No, I don't.
19 Q. Okay. But you remember your level being
20 forty-something?
21 A. Yes. I don't remember exactly. I was
22 thinking it was forty-seven, but it may
23 not have been.

- 1 Q. Now, it sounds very similar to what you
2 have told us. Okay. Among the things I
3 was hoping to find out, there was -- In
4 the comments on these, one person talks
5 about having had an abnormal liver test
6 five years ago. That would have been in
7 1991. Do you remember anyone who worked
8 at the plant having an abnormal liver
9 test about ten years ago?
- 10 A. No, sir. I'm not aware of it.
- 11 Q. Another one here, number 1035, his
12 comments say he carried the melted PCBs
13 to the dump. Any idea who in the work
14 force might have been a person to carry
15 this stuff up to the dump?
- 16 A. He would probably have been in the
17 shipping department. I wouldn't know.
18 It has been so long ago, I don't know
19 what that would have been.
- 20 Q. The melted stuff, as I understand from
21 some of the documents, sometimes went up
22 in skips, they called them. My sense is
23 they looked like wheelbarrows. Do you

1 remember how big those were?

2 MR. MYERS: Object to the form. I
3 think what he is asking is do
4 you know that to be the case.

5 Q. Yeah. Did you ever know of those
6 bottoms being drawn in anything other
7 than a drum?

8 A. No, no. Let me back up. The liquid
9 bottoms -- they wouldn't go up in a
10 skip, because they would come out. It
11 wouldn't hold liquid.

12 Q. Slosh around too bad?

13 A. Well, the skips are not waterproof,
14 watertight. None I've ever seen is.

15 Q. They would leak out the bottom, you are
16 saying?

17 A. Yes. In fact they have places in there
18 where rainwater will come in, most of
19 them. No, I don't remember them
20 carrying in skips. Now, the byproduct,
21 the stuff they cleaned out of the
22 filter, that may have been carried up
23 there. It would be a solid.

1 Q. So did you do anything in light of the
2 fact that you had a forty-four reading
3 on your serum PCB?
4 A. No, sir.
5 Q. Did someone tell you that was nothing to
6 worry about?
7 A. No, sir.
8 Q. Did anyone tell you it was something you
9 should follow up on?
10 A. No, sir.
11 Q. Just didn't tell you one way or the
12 other?
13 A. Just give me the result.
14 Q. What was your understanding as to
15 whether that was high, low, average?
16 A. There was several of us worked in the
17 shipping department, still out there now
18 that worked in that department, and we
19 kind of compared them. I was kind of in
20 the middle. Some was a lot higher and
21 some lower.
22 Q. So to your mind you were -- It was no
23 big deal?

1 A. Yeah. That's correct. No big deal.

2 Q. Did you ever mention it to any of your

3 personal physicians?

4 A. No, sir.

5 Q. Did you ever mention it to the plant

6 physician when you had your annual

7 physical?

8 A. No, sir.

9 Q. Do you know anything about incinerators

10 at the plant?

11 A. A little bit, not a whole lot. I never

12 run them or anything like that. I know

13 we had incinerators.

14 Q. Which ones do you know of?

15 A. It was in the Niran department.

16 Q. What went into the Niran incinerator?

17 A. Some byproduct of Niran in that

18 department. I'm not sure.

19 Q. Did some byproducts of Niran go into the

20 dump? Let me put it differently. Did

21 Niran contaminated materials

22 occasionally go up to the dump?

23 MR. MYERS: Object to the form.

- 1 A. That I don't know.
- 2 Q. You just know that something that was
3 generated in the Niran manufacturing
4 process went into an incinerator?
- 5 A. Right. They had a thing on a skip in
6 what they call the recycle department,
7 which is part of Niran. Part of it went
8 to them. It was filtered. They
9 filtered something out of the product.
10 I don't know what it was. It went into
11 the skip. But as far as I know it
12 wasn't -- In fact, it seems they give it
13 to people to put on their pastures to
14 help the soil.
- 15 Q. You didn't go to shipping until pretty
16 late, right?
- 17 A. Yes, sir.
- 18 Q. Did you ever go and look at the dump, at
19 the site?
- 20 A. No.
- 21 Q. So you have no knowledge of what they
22 looked like, how they ran?
- 23 A. No.

1 Q. Did you ever have bad batches when you
2 were trying to make Aroclor, that the
3 stuff just didn't work out to spec?

4 A. Probably. I know on solid Aroclor we
5 would have batches. Now, it wasn't made
6 out of biphenyl, didn't have any PCBs in
7 it.

8 Q. That was terphenyl?

9 A. Right.

10 Q. So you don't remember ever having a bad
11 batch of liquid Aroclor?

12 A. I don't know that you could have -- You
13 could have one too low in resistivity,
14 but you could bring it up.

15 Q. Just keep working on?

16 A. Yeah, keep working on it and bring it
17 up.

18 Q. Okay. Aside from taking samples of the
19 product as it was being made and after
20 it was made, did you have any
21 involvement in collecting samples or
22 analyzing samples to be tested for PCBs
23 around the plant?

1 A. No.

2 Q. Have you heard that PCBs have been found
3 in people's yards around the plant?

4 A. Yes, sir.

5 Q. Have you heard that it has been found in
6 people's bodies who live around the
7 plant?

8 A. Yes, sir.

9 Q. And you knew about the fish advisory?

10 A. Yes.

11 Q. Have you heard about EPA Superfund
12 people coming to town?

13 A. Yes, sir.

14 Q. How did you learn about these things?

15 A. Newspaper.

16 Q. Did any of that surprise you when you
17 read it?

18 MR. MYERS: Object to the form.

19 A. No, not really.

20 Q. So if someone had asked you in 1990 if
21 we went out to these yards around here
22 and tested for PCBs or got people's
23 blood and tested for PCBs, you would

1 have told them you are probably going to
2 find it?

3 MR. MYERS: Object to the form.

4 A. Not in 1990, I wouldn't have. I'm just
5 talking about in recent years, when I
6 heard about it.

7 Q. What had you learned between 1990 and
8 when you read about this stuff that kept
9 it from being surprising, that clued you
10 in that this might be the case?

11 A. Say that one more time.

12 Q. Yeah. What I've been trying to find out
13 from people is whether they figured all
14 along that this stuff was out and away
15 from the plant and in people's yards and
16 in people's bodies or whether that came
17 as a surprise to the work force when it
18 was reported in the press or when you
19 first learned it. I thought you had
20 told me that it didn't come as a
21 surprise to you when you read it in The
22 Anniston Star, but it would have been a
23 surprise to you if somebody told it to

1 you in 1990. If I misstated that, I
2 want to clarify it.

3 MR. MYERS: Object to the form.

4 Q. I'm just trying to find out, a, when you
5 think you found out about it.

6 A. Reading it in The Anniston Star.

7 Q. Okay. And I'm saying when you read that
8 in The Anniston Star, that didn't come
9 as a big surprise to you?

10 A. You mean as far as being in people's
11 yards and things?

12 Q. Yeah. In people's yards and people's
13 bodies. If that is two different
14 answers, then --

15 A. Yeah. In people's yards, maybe along
16 that creek, what I've been reading in
17 the paper, that wouldn't have been a
18 surprise. The body parts, being in --
19 that may have been a little surprising
20 to me.

21 Q. Were you at all concerned when you read
22 about these things?

23 A. Now, you mean as far as my personal

1 health?

2 Q. No, for the folks this had happened to.

3 A. No.

4 Q. And you are not concerned about it
5 personally, for that matter?

6 A. No.

7 Q. And I take it that is because you have
8 always been told that this stuff wasn't
9 particularly dangerous.

10 MR. MYERS: Object to the form.

11 A. No, sir. I was never told that. I was
12 never told anything bad about it like
13 that. Just, the reason I'm not
14 concerned is I've known people that
15 worked in it all their lives and never
16 had any problems. I've never had any,
17 so I'm not -- don't have any concern.

18 Q. But you would admit or do you know if
19 there are people in the neighborhoods
20 who have higher levels in their bodies
21 than even you have?

22 A. Do I know it?

23 Q. Yeah.

1 A. I read it in the paper.

2 Q. Do you know that no one who worked in
3 the Aroclor department has ever gotten
4 sick because of that?

5 MR. MYERS: Object to the form.

6 A. I don't know that.

7 MR. CUNNINGHAM: That's all I
8 have.

9 (The deposition concluded at
10 12:50 p.m.)
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23

1 I do hereby certify that the witness
2 whose attached deposition was taken before me
3 was by me first duly cautioned and sworn to
4 tell nothing but the truth in the cause
5 aforesaid; that the testimony contained herein
6 was by me reduced to writing in the presence
7 of said witnesses by means of stenography and
8 afterwards transcribed by means of computer
9 aided transcription. The foregoing is a true
10 and accurate transcript of the whole of the
11 testimony given by said witness, as aforesaid.

12 I do further certify that I am not
13 connected by blood or marriage with any of the
14 parties or their attorneys or agents and that
15 I am not an employee of any of them, nor
16 interested in the matter of controversy.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand and affixed my notarial seal at
19 Gadsden, Alabama, County of Etowah, this 15th
20 day of January 2002.

COPY

21 _____
22 Deborah Salers Garrett
23 Certified Shorthand Reporter
Registered Professional Reporter
Notary Public, Alabama-at-Large
My Commission expires: 3-6-05